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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,271	01/12/2001	David N. Harris	0013-011P1	2653
40972	7590	01/10/2012	EXAMINER	
HENNEMAN & ASSOCIATES, PLC 70 N. MAIN ST. THREE RIVERS, MI 49093				ALVAREZ, RAQUEL
ART UNIT		PAPER NUMBER		
		3682		
		MAIL DATE		DELIVERY MODE
		01/10/2012		PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/760,271	HARRIS, DAVID N.	
	<b>Examiner</b>	<b>Art Unit</b>	
	RAQUEL ALVAREZ	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 October 2011.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 5) Claim(s) 1-3 and 5-36 is/are pending in the application.
  - 5a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 6) Claim(s) \_\_\_\_\_ is/are allowed.
- 7) Claim(s) 1-3 and 5-36 is/are rejected.
- 8) Claim(s) \_\_\_\_\_ is/are objected to.
- 9) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 10) The specification is objected to by the Examiner.
- 11) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

1. This office action is in response to communication filed on 10/6/3022.
2. Claims 1-3 and 5-36 are presented for examination.

### **Claim Rejections - 35 USC § 102**

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5-36 are rejected under 35 U.S.C. 102(b) as being anticipated by blonder et al. (5,708,422 hereinafter Blonder).

Blonder teaches a computer system and corresponding computer method for verifying a commercial transaction between a user with credit card information and a merchant. A processing unit for processing data and code and a memory for storing data and said code, said data and said code comprising a merchant communications module to connect with the merchant for receiving a transaction approval request said transaction request (Figure 1, col. 2, lines 60-65; col. 4, lines 55-65, col. 5, lines 5-10), including information to identify an account holder associated with said credit card information (figure 3 ), and code further including an authorization module responsive to the transaction approval request to compare the request with the pre-verification condition said pre-verification condition defining a pre-verified circumstance when account holder verification is not needed and to verify the request if the criteria is satisfied if said transaction approval request satisfies said pre-verification condition, said account-holder verification including contacting said account holder (Figure 3 and col. 7, lines 4-12 which teaches some transactions occur without account verification when an

account condition is satisfied). Blonder also teaches a plurality of verification criteria are satisfied (Figure 3), the criteria are determined by the account holder (Figure 3), receive and establish a connection with the account holder, authenticate the account holder, present at least one criteria to the account holder, and receive modification instructions from the account holder (col. 7, lines 65 to col. 9, line 30), the pre-verification criteria includes at least one merchant identifier (Figure 9) for comparing and verifying the merchant associated with the transaction, the pre-verification criteria includes a maximum purchase price (Figure 9) for comparison and verification of the transaction; criteria include a begin and end date for comparison and verification of the transaction (Figure 9); to verify said transaction approval request if said at least one pre-verification criteria is satisfied (i.e. verifying that the transaction approval request and the pre-verification criteria are matched and satisfied)(Figure 3); to verify said transaction approval request with said account holder by contacting said account holder if said pre-verification criteria is not satisfied to issue an approval to said merchant only if said transaction approval request is verified(i.e. account holder verification is required in some instances upon failure of a condition. The system determines if the card owner pre-imposed condition has been breached. If so the system formats an authorization request to the card owner)(col. 7, lines 20-31).

With respect to an account-holder communication module operative to enable the account-holder to said pre-verification condition, so that said account-holder can specify the circumstances when account-holder verification is not needed (i.e. the

account holder John Smith specifies that on transactions less than 100, no verification is needed)(see Figure 3).

**Response to Arguments**

4. **Applicant arguments:** Applicant states the system of Blonder et al. utilizes the threshold fields 309 and 310 to approve transactions when the card owner cannot be reached. The system can only determine if the card owner "cannot be reached" if it had previously attempted contact with the card owner and that therefore Because utilizing the fields 309 and 310 require a prior attempt to contact the card owner, the above-referenced passage of Blonder cannot teach an authorization module operative to "compare said transaction approval request with said pre-verification condition before Contacting said account-holder to perform account-holder verification" and to "verify said transaction approval request without attempting to contact said account-holder to perform account-holder verification if said pre-verification condition is satisfied" as recited by amended Claim 1 (emphasis added).

**Examiner response:** The Examiner respectfully disagrees with Applicant because Blonder discloses that some transactions occur without account verification when an account holder condition is satisfied (FF 2) and that the account holder only needs to be reached/authorize when a pre-imposed condition has been breached (FF3). In addition, the whole idea of Blonder is to automatically approve transactions (see Figure 3) and to alert the account holder only when transactions have exceeded the pre-defined conditions. Only on those cases, is the account holder information retrieve from the database and the account holder contacted (col. 7, lines 20-39).

**Point of contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAQUEL ALVAREZ whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Namrata (Pinky) Boveja can be reached on (571)272-8105. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raquel Alvarez/  
Primary Examiner, Art Unit 3682

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